

ASSEMBLY BILL

No. 2728

Introduced by Assembly Member Strickland

February 20, 2004

An act to add Chapter 5.5 (commencing with Section 47628) to Part 26.8 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2728, as introduced, Strickland. Charter schools: authorization.

The existing Charter Schools Act of 1992 permits teachers, parents, pupils, and community members to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning.

This bill would, notwithstanding any other provision of law, authorize the chancellor of a campus of the University of California, the president of a campus of the California State University, or the governing board of a community college district to approve a petition submitted to establish a charter school within the county in which that campus or community college district is located.

The bill would require petitioners to designate an eligible local entity, as specified, to oversee the charter school, and would require petitioners to specify the oversight duties of that entity. The bill would require the authority approving the petition to make specified determinations regarding the designated oversight entity prior to approving the petition.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.5 (commencing with Section 47628) is added to Part 26.8 of the Education Code, to read:

CHAPTER 5.5. ALTERNATIVE PETITIONING PROCESS

47628. Notwithstanding any other provision of law, a chancellor of a campus of the University of California, a president of a campus of the California State University, or the governing board of a community college district may approve a petition submitted to establish a charter school within the county in which that campus or community college district is located.

47628.2. (a) A petition submitted pursuant to this chapter shall designate an eligible local entity located within the county in which the charter school is located to supervise and oversee the charter school, and shall specify those oversight duties. Eligible entities include, but are not limited to, a chief executive officer of the University of California or California State University, a community college district, or a public agency.

(b) Prior to approving a petition submitted pursuant to this chapter, the approving authority shall determine that the local entity designated pursuant to this section is willing to fulfill the oversight duties described in the petition pursuant to subdivision (a), and has the appropriate resources and expertise to fulfill those duties.

47628.4. (a) A petition submitted pursuant to this chapter shall comply with the procedures and requirements contained in Chapter 2 (commencing with Section 47605) and Chapter 3 (commencing with Section 47610), except to the extent a particular procedure or requirement of those chapters is inconsistent with this chapter. For the purposes of this chapter, all references to “governing board” in Chapter 2 (commencing with Section 47605) and Chapter 3 (commencing with Section 47610) shall mean the approving authority identified in Section 47628, and all references to “school district” in those chapters shall mean the county in which that approving authority is located.

(b) Notwithstanding any other provision of law, the denial of a petition submitted to any approving authority may not be appealed.

1 47628.6. This chapter does not apply to a community college
2 district, campus of the California State University or the
3 University of California, unless the governing board of the district
4 or the Regents of the University of California adopt a resolution
5 making it applicable to their respective institution, or the president
6 of a campus of the California State University officially adopts the
7 applicability of this chapter.

O

